

MEMORANDUM

TO: Board of Environmental Protection  
FROM: Peter Carleton, Bureau of Air Quality Control  
SUBJECT: Boralex Livermore Falls LP, Boralex Ashland LP  
DATE: June 16, 2011

\*\*\* \*\*

**Statutory and Regulatory References:**

At the time of the violations identified in this attached Agreement, Boralex Livermore Falls LP operated its Livermore Falls facility under the terms and conditions of Part 70 Air Emission License A-555-70-A-I, issued on September 8, 1999 and subsequent amendments. At the time of the violations identified in this attached Agreement, Boralex Ashland LP operated its Ashland facility under the terms and conditions of Part 70 Air Emission License A-577-70-A-I, issued on July 2, 2002 and subsequent amendments. The Part 70 Air Emission Licenses provide for the operation of fuel burning and process equipment associated with electricity generation operations.

**Description:**

Boralex Livermore Falls LP experienced violations of excess opacity and CO emissions which exceeded limits as established in A-555-70-A-I and subsequent amendments. Boralex Ashland LP experienced violations as determined from stack testing for particulate matter (PM) and ammonia (NH<sub>3</sub>) emissions as established in A-577-70-A-I and subsequent amendments. Boralex Ashland LP also experienced violations of excess opacity, CO and NO<sub>x</sub> emissions.

**Location:**

Livermore Falls, Maine  
Ashland, Maine

**Environmental Issues:**

The Department imposes air emission license conditions to ensure that the licensed equipment is operated in a manner consistent with good air pollution control practices and in a manner protective of air quality. Compliance with all air emission license conditions and applicable regulations is essential to the maintenance of good air quality.

**Department Recommendation:**

Staff recommends approval of the Consent Agreement which requires Boralex Livermore Falls LP, Boralex Ashland LP to make payment of civil penalties in the amount of \$61,175.00. The penalty was a negotiated settlement based on the Air Bureau's penalty assessment guideline.



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE  
GOVERNOR

JAMES P. BROOKS  
ACTING COMMISSIONER

IN THE MATTER OF:

BORALEX LIVERMORE FALLS LP	)	ADMINISTRATIVE CONSENT
LIVERMORE FALLS, MAINE	)	AGREEMENT
ANDROSCOGGIN COUNTY	)	38 M.R.S.A. § 347-A
AND BORALEX ASHLAND LP	)	
ASHLAND, MAINE	)	
AROOSTOOK COUNTY	)	
AIR QUALITY VIOLATIONS	)	
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This Agreement by and among Boralex Livermore Falls LP, Boralex Ashland LP, the Maine Department of Environmental Protection (the "Department") and the Maine Office of the Attorney General is entered into pursuant to the laws concerning the Department's *Organization and Powers*, 38 M.R.S.A. § 347-A(1)(A).

The parties agree as follows:

1. Boralex Livermore Falls LP and Boralex Ashland LP are Delaware corporations in good standing to conduct business in Maine as electricity generating facilities.
2. At the time of the violations identified in this Agreement, Boralex Livermore Falls LP operated its Livermore Falls facility under the terms and conditions of Part 70 Air Emission License A-555-70-A-I, issued on September 8, 1999 and subsequent amendments. The facility's Air Emission License A-555-70-A-I and amendments provide for the operation of fuel burning and process equipment associated with electricity generation operations including a 585.9 MMBtu/hr wood burning boiler (Boiler #1).
3. Air Emission License A-555-70-A-I, Condition (24), paragraph (G), states in relevant part:
  - (24) Boiler 1
    - G. NELP #1 shall operate Boiler #1 such that the opacity does not exceed 20% over a six minute average except for one six minute period per hour of not more than 27%, subject to the provisions of Title 38 MRSA § 349. [MEDEP Chapter 140, BPT]

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AUGUSTA, MAINE 04333-0017  
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RAY BLDG., HOSPITAL ST.

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106 HOGAN ROAD, SUITE 6  
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PORTLAND  
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 ANDROSCOGGIN COUNTY )  
 AND BORALEX ASHLAND LP )  
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4. Upon review of quarterly reports as well as excess emissions notifications from 2<sup>nd</sup> Quarter 2006 to 4<sup>th</sup> Quarter 2010, the Department documented that Boralex Livermore Falls LP violated opacity standards as established in Air Emission License A-555-70-A-I, Condition (24), paragraph(G). These violations are described in the following table:

Year	Quarter	Incidents (6-Minute Blocks)	Pollutant
2006	3 <sup>rd</sup>	6	Opacity
2006	4 <sup>th</sup>	13	Opacity
2007	1 <sup>st</sup>	15	Opacity
2008	1 <sup>st</sup>	19	Opacity
2008	3 <sup>rd</sup>	4	Opacity

5. Air Emission License A-555-70-E-M, Condition (24), paragraph (B)<sup>FN1</sup>, state in relevant part:

(24) Boiler 1

B. Boiler 1 is permitted to fire biomass (which includes wood chips, peat moss and other plant derived fuels), RWF, CDWD and oil. Emissions from Boiler 1 shall not exceed the following limits:

Pollutant	lb/MMBtu	Origin and Authority
CO	0.45	MEDEP Chapter 140, BPT

CO: The 0.45 lb/MMBtu limit is based on a 24 hour block average basis via CEM.....

6. Upon review of quarterly reports submitted to the Department from 2<sup>nd</sup> Quarter 2006 to 4<sup>th</sup> Quarter 2010, the Department documented that Boralex Livermore Falls LP experienced two violations of the 24 hour block arithmetic average CO lb/MMBtu emission rate. Over the 24-hour period on June 21, 2006, Boralex Livermore Falls LP averaged 4.4 lb/MMBtu of CO emissions from the Boiler #1. Over the 24-hour period on July 9, 2008, Boralex Livermore Falls LP averaged 1.22 lb/MMBtu of CO emissions from the Boiler #1.

FN2 Air Emission License A-577-70-B-A, Condition (14), paragraph (D) is a replacement condition, the Findings-of-Fact concerning the PM limits in this condition are found in Air Emission License A-577-70-A-I.

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7. At the time of the violations identified in this Agreement, Boralex Ashland LP operated its Ashland facility under the terms and conditions of Part 70 Air Emission License A-577-70-A-I, issued on July 2, 2002 and subsequent amendments. The facility's Air Emission License A-577-70-A-I and amendments provide for the operation of fuel burning and process equipment associated with electricity generation operations including a 585.9 MMBtu/hr wood burning boiler (Boiler #1).

8. Air Emission License A-577-70-A-I, Condition 14, paragraph C, states in relevant part:

(14) Boiler #1

C. Emissions from Boiler #1 shall not exceed the following limits:

<u>Pollutant</u>	<u>lb/MMBtu</u>	<u>Origin and Authority</u>
PM	0.02	MEDEP Chapter 140, BPT
PM <sub>10</sub>	0.02	MEDEP Chapter 140, BPT

9. Air Emission License A-577-70-B-A, Condition 14, paragraph D<sup>FN2</sup>, states in relevant part:

(14) Boiler #1

D. Lb/hr emissions from Boiler #1 shall not exceed the following limits:

<u>Pollutant</u>	<u>lb/hour</u>
PM	11.7
PM <sub>10</sub>	11.7

10. After review of the stack test reports for the Boralex Ashland LP facility, Department staff documented that Boralex Ashland LP had undertaken emissions testing for particulate matter (PM) for Boiler #1 on May 11, 2010 which resulted in emissions in excess of the facility's Air Emission License restriction for PM emissions for both the lb/MMBtu and lb/hr licensed restrictions. Testing conducted on May 11, 2010 resulted in PM emissions from the Boiler #1 of 0.026 lb/MMBtu and 17.17 lb/hr which exceeds the licensed limits of 0.02 lb/MMBtu and 11.7 lb/hr for PM emissions.

FN2 Air Emission License A-577-70-B-A, Condition (14), paragraph (D) is a replacement condition, the Findings-of-Fact concerning the PM limits in this condition are found in Air Emission License A-577-70-A-I.

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11. The Department documented that Boralex Ashland LP conducted a successful passing re-test for Boiler #1 PM emissions on June 10, 2010 which resulted in emissions from the Boiler of 0.002 lb/MMBtu and 1.04 lb/hr. The Department has determined that Boralex Ashland LP was in violation of the respective PM restrictions established in Air Emission License A-577-70-A-I and A-577-70-B-A for a period of 30 days.
12. Air Emission License A-577-70-A-I, Condition 14, paragraph L, states in relevant part:
  - (14) Boiler 1
    - L. Boralex Ashland shall conduct particulate emission and Ammonia (NH<sub>3</sub>) slip testing, and demonstrate compliance, at least once every two years on Boiler #1. Ammonia (NH<sub>3</sub>) slip shall not exceed 40 ppmdv on a dry basis on a one (1) hour average (corrected to 12% CO<sub>2</sub>). The initial test to be conducted by December 31, 2002.  
[MEDEP Chapter 140, BPT]
13. After review of the stack test reports for the Boralex Ashland LP facility, Department staff documented that Boralex Ashland LP had undertaken emissions testing for ammonia slip (NH<sub>3</sub>) emissions for Boiler #1 on May 5, 2010 which resulted in emissions in excess of the facility's Air Emission License restriction for NH<sub>3</sub> emissions. Testing conducted on May 11, 2010 resulted in NH<sub>3</sub> emissions from the Boiler #1 of 128.5 ppm which exceeds the licensed limit for NH<sub>3</sub> emissions of 40 ppm.
14. Boralex Ashland LP retested for NH<sub>3</sub> emissions on June 10, 2010 which resulted in NH<sub>3</sub> emissions from Boiler #1 of 64.7 ppm which also exceeded the licensed limit for NH<sub>3</sub> emissions of 40 ppm. The Department documented that Boralex Ashland LP conducted a successfully passing re-test for Boiler #1 NH<sub>3</sub> emissions on July 2, 2010 which resulted in NH<sub>3</sub> emissions from Boiler #1 of 35 ppm. The Department has determined that Boralex was in violation of the NH<sub>3</sub> restriction established in Air Emission License A-577-70-A-I for a period of 52 days.

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15. Air Emission License A-577-70-A-I, Condition (14), paragraph (J), states in relevant part:

(24) Boiler 1

J. Boralex Ashland shall operate Boiler #1 such that the opacity does not exceed 20% over a six minute average except for one six minute period per hour of not more than 27%, subject to the provisions of Title 38 MRS A §349. [MEDEP Chapter 140, BPT]

16. Upon review of quarterly reports as well as excess emissions notifications from 2<sup>nd</sup> Quarter 2006 to 4<sup>th</sup> Quarter 2010, the Department documented that Boralex Ashland LP violated opacity standards as established in Air Emission License A-577-70-A-I, Condition (14), paragraph (J). These violations are described in the following table:

Year	Quarter	Incidents (6-Minute Blocks)	Pollutant
2010	2 <sup>nd</sup>	2	Opacity

17. Air Emission License A-577-77-2-A, Condition (1), paragraph (A), states in relevant part:

(1) Boiler #1

A. CO emissions from Boiler #1 shall not exceed the following at all times during plant operations:

Pollutant	lb/MMBtu	lb/hr	Origin and Authority
CO	0.45	237	06-096 CMR 115, BPT

18. Upon review of quarterly reports submitted to the Department from 1<sup>st</sup> Quarter 2008 to 4<sup>th</sup> Quarter 2010, the Department documented that Boralex Ashland LP experienced two violations of the 24 hour block arithmetic average CO lb/MMBtu emission rate. Over the 24-hour period on October 5, 2008, Boralex Ashland LP averaged 1.183 lb/MMBtu of CO emissions from the Boiler #1. Over the 24-hour period on May 18, 2009, Boralex Ashland LP averaged 1.22 lb/MMBtu of CO emissions from the Boiler #1.

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19. Air Emission License A-577-77-1-A, Condition (16), paragraph (C), states in relevant part:

(16) Boiler #1

A. NO<sub>x</sub> and CO emissions from Boiler #1 shall not exceed:

Pollutant	lb/MMBtu	lb/hr	Timeframe & Averaging Period	Origin and Authority
NO <sub>x</sub>	0.10	58.3	At all times the facility is generating power for distribution and sale as renewable energy in the New England renewable energy market, based on a 24-hour block average.	06-096 CMR 115, BPT

Note: A 24 hour block average shall be defined as midnight to midnight.

20. Upon review of quarterly reports submitted to the Department from 1<sup>st</sup> Quarter 2008 to 4<sup>th</sup> Quarter 2010, the Department documented that Boralex Ashland LP experienced four violations of the 24 hour block arithmetic average NO<sub>x</sub> lb/MMBtu emission rate. Over the 24-hour period on September 9, 2008, Boralex Ashland LP averaged 0.117 lb/MMBtu of NO<sub>x</sub> emissions from the Boiler #1. Over the 24-hour period on October 5, 2008, Boralex Ashland LP averaged 0.197 lb/MMBtu of NO<sub>x</sub> emissions from the Boiler #1. Over the 24-hour period on November 20, 2008, Boralex Ashland LP averaged 0.439 lb/MMBtu of NO<sub>x</sub> emissions from the Boiler #1. Over the 24-hour period on May 18, 2009, Boralex Ashland LP averaged 0.324 lb/MMBtu of NO<sub>x</sub> emissions from the Boiler #1.

21. Notices Of Violation (NOV) were issued to Boralex Livermore Falls LP and Boralex Ashland LP for the Livermore Falls and Ashland facilities on August 15, 2010. The NOV sent to Boralex Livermore Falls LP identified violations of Air Emission License A-555-70-A-I, Condition (24), paragraphs (B) and (G) and Air Emission License A-555-70-E-M, Condition (24), paragraph (B). The NOV sent to Boralex Ashland LP identified violations of Air Emission License A-577-70-A-I, Condition 14, paragraphs C, J and L and Air Emission License A-577-70-B-A, Condition (14), paragraph (D), Air Emission License A-577-77-2-A, Condition (16), paragraph (A), Air Emission License A-577-77-2-A, Condition (1), paragraph (A).

22. The Department has regulatory authority over the activities described herein.

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23. For the purposes of this agreement Boralex Livermore Falls LP and Boralex Ashland LP agree that they received proper notice of all violations identified herein pursuant to 38 M.R.S.A. § 347-A(1)(B).
24. Pursuant to 38 M.R.S.A. § 347-D(6)(C) and 347-A(1)(A)(1), Administrative Consent Agreements must be approved by the Board of Environmental Protection (“Board”) which is part of the Department.
25. This Agreement shall not become effective unless and until it is approved by the Board and the Office of the Attorney General.
26. To resolve the violation described in paragraphs four (4), six (6), ten (10), eleven (11), thirteen (13), fourteen (14), sixteen (16), eighteen (18) and twenty (20) of this Agreement, Boralex Livermore Falls LP agrees to pay the sum of sixty nine hundred seventy five dollars (\$6,975) and Boralex Ashland LP agrees to pay the sum of fifty four thousand, two hundred dollars (\$54,200) as civil monetary penalties immediately upon signature of this Agreement as follows:
- a. Pay to the *Treasurer, State of Maine*, the amount of twelve thousand, two hundred thirty five dollars (\$12,235.00).
  - b. Pay to Northern Maine Community College, the amount of seventeen thousand, one hundred seventy dollars (\$17,170.00), for the purpose of completing the Northern Maine Community College Alternative Energy Education and Training Center Supplemental Environmental Project (“SEP”), more fully described in the attached Appendix A.
  - c. Pay to Atlantic Salmon For Northern Maine, the amount of thirty one thousand, seven hundred seventy dollars (\$31,770.00), for the purpose of completing the Restoration of Atlantic Salmon Populations in Historical Aroostook River Habitat Supplemental Environmental Project (“SEP”), more fully described in the attached Appendix B.

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- d. Any public statement, oral or written, in print, film, or other media, made by Boralex Livermore Falls LP and/or Boralex Ashland LP making reference to the SEP described above shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Maine Department of Environmental Protection for violations of State air emissions regulations."
  - e. Any payments made by Boralex Livermore Falls LP and/or Boralex Ashland LP pursuant to the SEP described above are not tax deductible and are ineligible for certification as tax exempt pollution control facilities pursuant to 36 M.R.S.A. §§ 105, 211.
27. The Department and the Office of the Attorney General grant Boralex Livermore Falls LP and Boralex Ashland LP release of the causes of action that they have for the respective specific violations described in paragraphs six four (4), six (6), ten (10), eleven (11), thirteen (13), fourteen (14), sixteen (16), eighteen (18) and twenty (20) of this Agreement in consideration of the payment called for in paragraph twenty six (26) above. The release shall not become effective until all requirements of this Agreement are satisfied.
28. Non-compliance with this Agreement voids the release set forth in paragraph twenty seven (27) of this Agreement and may lead to an enforcement action pursuant to 38 M.R.S.A. § 347-A(1)(A), 347-A(5), or 348, as well as pursuit of other remedies.
29. Actions taken pursuant to this Agreement shall be completed in accordance with the requirements of all local, state and federal laws, including but not limited to licensing requirements.

BORALEX LIVERMORE FALLS LP )  
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30. The provisions of this Agreement shall apply to, and be binding on, the parties, their officers, agents, servants, employees, successors, and assigns, and upon those persons in active concert or participation with them who receive actual notice of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this agreement of nine (9) pages.

BORALEX LIVERMORE FALLS LP

BY: [Signature] April 27, 2011  
TITLE: VP & COO DATE

BORALEX ASHLAND LP

BY: [Signature] April 27, 2011  
TITLE: VP & COO

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
SUSAN LESSARD, CHAIR DATE

SEEN AND AGREED TO, STATE OF MAINE

BY: \_\_\_\_\_  
GERALD D. REID, ASSISTANT ATTORNEY GENERAL DATE

# **Appendix A: Supplemental Environmental Project**

## **Boralex Ashland LP and Boralex Livermore Falls LP**

### **Name of Project:**

Northern Maine Community College Alternative Energy Education and Training Center

### **Project implementer:**

Timothy Crowley  
President  
Northern Maine Community College  
33 Edgemont Drive  
Presque Isle, Maine 04769  
207-768-2811

Larry LaPlante  
Director of Finance  
Northern Maine Community College  
33 Edgemont Drive  
Presque Isle, Maine 04769  
207-768-2712

### **Geographic area to benefit the project:**

Northern Maine Community College (“NMCC”) has established an Alternative Energy Education and Training Center (“Center”) in Presque Isle. The Center provides education and training in the areas of wind power, solar power, and solid fuels. The Center is located at 920 Skyway Street, Presque Isle, Maine.

### **Enforcement action:**

This project is being funded as an element of the Administrative Consent Agreement process as a Supplemental Environmental Project (SEP) pursuant to a negotiated settlement between the Maine Department of Environmental Protection (“Department”), Boralex Ashland LP, and Boralex Livermore Falls LP pursuant to the provisions of 38 M.R.S.A. § 349(2-A).

### **Type of project:**

Environmental Awareness Project pursuant to 38 M.R.S.A. § 349(2-A)(A)(4).

### **Project description:**

NMCC has established itself as a leader in the New England region in the development and use of renewable energy as an educational and economic driver. NMCC’s commitment to moving the campus and the State of Maine toward a future of energy independence through existing as well as new and innovative forms of alternative energy is evidenced in the work of NMCC’s students, faculty, staff and campus leadership. This is reflected in NMCC’s academic programs and in day-to-day operations.

This SEP will provide the Center with funds to obtain training equipment to give students hands-on experience with biomass boilers. This equipment will be installed in the Center and will be used to prepare students completing the requirements for NMCC's heating program. Students enrolled in this program will be provided with the necessary education to install and maintain solid fuel boilers. Students will also become acquainted with the local and state laws associated with solid fuel use and the environmental rules and regulations that need to be followed when using these products.

This SEP will also provide the Center with funds to obtain monitoring equipment to monitor solid fuel boiler output. The Center's students will use this equipment to assist individuals with boilers that require monitors so they can provide feedback and assist the owner in meeting the emission requirements for their solid fuel boiler. Specifically, the SEP will provide one combustion efficiency analyzer that has the capability of being accessed from a remote site.

**Existing Regulatory Requirements:**

None.

**Total project budget:**

Item	Amount
1 Biomass Combo Boiler	\$6,790.00
1 Orlan Pellet Boiler	\$6,580.00
1 Delta 65 Combustion Efficiency Analyzer	\$2,800.00
Shipping	\$1,000.00
Total Cost	\$17,170.00

Any SEP funds not spent within 30 days of the installation date of the equipment identified in the project schedule will immediately be paid to the *Treasurer, State of Maine* unless an extension is agreed to in writing by the parties to the Administrative Consent Agreement.

**Project schedule:**

Task	Responsible	Due Date
Installation of Boilers		April 1, 2011
Installation of Efficiency Analyzer		April 15, 2011

**Expected project benefits:**

Students enrolled in this program will be provided with the necessary education to install and maintain solid fuel boilers. They will also become acquainted with the local and state laws associated with solid fuel use and the environmental rules and regulations that need to be followed when using these products. As employees of organizations operating solid fuel boilers, the classroom knowledge will be shared with fellow employees and

company executives regarding the regulatory standards for operating these systems. As contractors installing these systems, the classroom knowledge will be used to properly install the systems and will also be used to train operators regarding the regulatory operating standards for these systems.

**Reporting:**

A detailed report and receipts documenting the purchase of the equipment identified in the project and documenting the equipments installation at NMCC will be completed and provided to the Department and the aforementioned Boralex facilities within sixty days of the installation of the equipment.

**Certification:**

*Boralex Ashland LP and Boralex Livermore Falls LP certify that this proposed SEP project is not the result of substantive planning that occurred prior to this enforcement action.*

BORALEX ASHLAND LP

BY:  DATE: April 27, 2011  
Title: VP & Chief Operating Officer of Biomass - Boralex

BORALEX LIVERMORE FALLS LP

BY:  DATE: April 27, 2011  
Title: VP & Chief Operating Officer of Biomass - Boralex

**Recipient Acknowledgment:**

*For and in consideration of the payments described herein Northern Maine Community College agrees to perform, or be responsible for obtaining performance of, the services, study, or projects described in this document pursuant to the terms set forth herein.*

NORTHERN MAINE COMMUNITY COLLEGE

BY:  DATE: 4/28/11  
Title: Director of Finance

## **Appendix B: Supplemental Environmental Project**

### **Boralex Ashland LP and Boralex Livermore Falls LP**

**Name of Project:**

Restoration of Atlantic Salmon Populations in Historical Aroostook River Habitat

**Project implementer:**

This project will be coordinated by Atlantic Salmon for Northern Maine (“ASNMM”).

**Project Director:**

Jim Barressi  
Atlantic Salmon For Northern Maine  
P.O. Box 833  
Presque Isle, Maine 04769  
207-768-0699  
info@atlanticsalmonfornorthernmaine.com

**Geographic area to benefit the project:**

The Aroostook River and its tributaries in Aroostook, northern Penobscot, and northern Piscataquis counties will be the focus of the Atlantic salmon restoration effort.

**Enforcement action:**

This project is being funded as an element of the Administrative Consent Agreement process as a Supplement Environmental Project (SEP) pursuant to a negotiated settlement between the Maine Department of Environmental Protection (“Department”), Boralex Ashland LP, and Boralex Livermore Falls, LP pursuant to the provisions of 38 M.R.S.A. § 349(2-A).

**Type of project:**

This SEP is an environmental enhancement project pursuant to 39 M.R.S.A. § 349(2-A)(A)(3). The focus of this project is to re-establish anadromous Atlantic salmon populations in the Aroostook River and its tributaries as part of a larger international effort with the Department of Fisheries and Oceans Canada (“DFO”) to restore salmon populations in the Saint John Watershed.

**Project description:**

ASNM owns and operates a private Atlantic salmon hatchery, the Dug Brook Fish Hatchery (“DBFH”) in Sheridan, Maine. The hatchery adds capacity to the Maine Department of Marine Resources, Bureau of Sea Run Fisheries and Habitat’s (“DMR-BSRFH”) Atlantic salmon restoration program in the Aroostook River watershed. The ASNM is an all-volunteer group conservation organization comprised of members from communities throughout the drainage. Local citizens and businesses have demonstrated strong support of the ASNM efforts through participation in annual fundraisers. Members of the ASNM are active sponsors of the “Fish Friends” program, providing guidance, aquariums, and the only source of salmon eggs to local schools for environmental education.

The Aroostook River is a major tributary to the St. John River entering into New Brunswick, Canada at Fort Fairfield, Maine. Atlantic salmon eggs originating from the St. John River are necessary for the restoration program. Sea-run St. John River Atlantic salmon are captured and spawned by the Department of Fisheries and Oceans Canada at the Mactaquac Biodiversity Facility (“MBF”) located on the St. John River near head of tide at Fredericton, New Brunswick, Canada. Eyed eggs are typically transported from the MBF to the DBFH in February, incubated in the DBFH until hatching in late May, and immediately released as unfed fry into the Aroostook River and its tributaries.

The goal of this project is to annually produce two million unfed Atlantic salmon fry for release into the Aroostook River and its tributaries. The funds obtained through this SEP will allow ASNM to procure and incubate over one million salmon eggs depending on spawning success and egg production. With recent eyed-egg to hatched-fry survival rates of 80%, the DBFH is now able to produce up to 800,000 to 1,000,000 Atlantic salmon eggs in years 1 and 2 of this project.

**Existing Regulatory Requirements:**

SEP’s may not be done for activities that are already required by law, 38 M.R.S.A. § 349(2-A)(B)(2). This is a voluntary project and is not a requirement by any local, state or federal entity.

**Total project budget:**

This SEP will provide funds for ASNM to transport Atlantic salmon eggs from MBF to DBFH and incubate the eggs until hatched at the DBFH. The unfed fry will then be stocked under the direction of DMR-BSRFH biologists. Success of the incubation and stocking program will be assessed by the DMR-BSRFH at the hatchery and by population sampling (electrofishing) in stream reaches where the fry are released. The stocking and evaluation activities will be covered by existing DMR-BSRFH monies.

Item	Responsibility	Amount
Egg production	ASNM	\$15,885.00
Egg Transportation and Incubation	ASNM	\$22,000
	SEP Funds	\$15,885
	DFO In-kind	\$10,000
Stocking Atlantic salmon fry	DMR-BSRFH	\$1,500.00
Evaluation of stocked fry	DMR-BSRFH	\$3,000.00
Single Year Total Budget		\$68,270
Two Year Total Budget (For 2011 and 2012)		\$136,540

**Project schedule:**

Task	Responsibility	Due Date
Transporting and incubation of eggs	ASNM	June 15, 2011 and June 15, 2012
Stocking Atlantic salmon fry	DMR-BSRFH	June 15, 2011 and June 15, 2012
Evaluation of stocked fry	DMR-BSRFH	Oct. 31, 2011 and Oct 31, 2012

**Expected project benefits:**

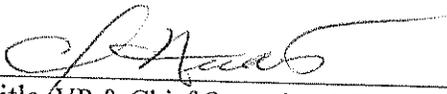
Private, state, and federal organizations in the U.S. and Canada are working cooperatively to restore Atlantic salmon populations to the Aroostook River. Maine Inland Fisheries and Wildlife and DMR-BSRFH fisheries biologists have identified extensive areas of high quality Atlantic salmon habitat in the Aroostook watershed. The absence of smallmouth bass (a predator species on young salmon), combined with cool water temperatures and intermittent limestone geology, is unique among Maine salmon rivers. Reintroduction of Atlantic salmon to the Aroostook River under this project will build upon the restoration efforts of all partners and will make a substantial contribution towards putting Atlantic salmon habitat into production that other wise would remain vacant.

**Reporting:**

An interim progress report detailing the hatching success and numbers of fry stocked will be sent to MEDEP by July 15, 2011 and July 15, 2012. A final project report detailing the evaluation of the stocked fry will be sent to MEDEP by January 15, 2013.

**Certification:**

*Boralex Ashland LP and Boralex Livermore Falls LP certify that this proposed SEP project is not the result of substantive planning that occurred prior to this enforcement action.*

BY:  DATE: April 27, 2011  
Title: VP & Chief Operating Officer of Biomass – Boralex

**Recipient Acknowledgment:**

*For and in consideration of the payments described herein Atlantic Salmon for Northern Maine agrees to perform, or be responsible for obtaining performance of, the services, study, or projects described in this document pursuant to the terms set forth herein.*

ATLANTIC SALMON FOR NORTHERN MAINE

  
BY: Treasurer ASN M. DATE: 4/28/11  
Title